Supreme Court, U.S.
FILED

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No. 93- OFFICE OF THE CLERK

In The
**Supreme Court of the United States**
October Term, 1993

AMERICAN BONDING COMPANY,
*Petitioner,*

v.

TRUSTEES OF THE CARPENTERS FOR SOUTHERN NEVADA HEALTH AND WELFARE TRUST; TRUSTEES OF THE CONSTRUCTION INDUSTRY AND CARPENTERS JOINT PENSION TRUST FOR SOUTHERN NEVADA; TRUSTEES OF THE VACATION TRUST CARPENTERS UNION NO. 1780 AND TRUSTEES OF THE SOUTHERN NEVADA CARPENTERS AND MILLWRIGHTS APPRENTICESHIP TRAINING TRUST,
*Respondents.*

# SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEVADA

RICHARD D. YOUNG
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Attorney for Petitioner

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Las Vegas, Nevada 89107
(702) 878-2800

Attorney for Petitioner

**SUPPLEMENTAL APPENDIX**

LIONEL SAWYER & COLLINS
TODD TOUTON, ESQ.
Nevada Bar #1744
300 South Fourth Street, #1700
Las Vegas, Nevada 89101
(702) 383-8825
Attorneys for Plaintiff Trustees

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| TRUSTEES OF THE CARPENTERS FOR SOUTHERN NEVADA HEALTH AND WELFARE TRUST; TRUSTEES OF THE CONSTRUCTION INDUSTRY AND CARPENTERS JOINT PENSION TRUST FOR SOUTHERN NEVADA; TRUSTEES OF THE VACATION TRUST CARPENTERS LOCAL NO. 1780 and TRUSTEES OF THE SOUTHERN NEVADA CARPENTERS AND MILLWRIGHTS APPRENTICESHIP TRAINING TRUST, | ) |
| Plaintiff, | ) |
| vs. | ) |
| AMERICAN BONDING COMPANY, BEAL'S ROYAL GLASS & MIRROR CO. and ROE and DOE DEFENDANTS I through V, | ) |
| Defendants. | ) |

O R D E R

Case No. A305516
Dept. No. VI
Docket No. "B"

Defendant American Bonding Company's Motion for Summary Judgment, defendant Beal's Royal Glass & Mirror Co.'s Motion for Summary Judgment and plaintiff Trustees of the Carpenters Joint Trust Funds Countermotion for Summary Judgment against American Bonding Company all having come on for hearing on November 5, 1992 at 9:00 a.m., American Bonding Company represented by David Rosequist, Esq. of Bell & Young, Beal's Royal Glass & Mirror Co. represented by Christopher H. Byrd, Esq. of Morse & Mowbray and plaintiff Trustees of the Carpenters Joint Trust Funds represented by Todd Touton, Esq. of Lionel Sawyer & Collins, the Court having considered the written points and authorities on file herein and the arguments of counsel presented, and other good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that American Bonding Company's Motion for Summary Judgment is hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff Trustees Countermotion for Summary Judgment is hereby granted in favor of the plaintiff Trustees and against American Bonding Company in the amount of $20,000.00 representing the full penal limit of American Bonding Company's Bond No. 103626, together with interest hereafter at the statutory rate of eight and one-half percent (8.5%) until paid in full, together with costs incurred herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there is no reason for delay in the entry of final judgment upon claims asserted by the plaintiffs against American Bonding Company and accordingly this order disposing of those claims shall be

considered final pursuant to NRCP 54(b).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on an interlocutory basis, Beal's Royal Glass & Mirror Co's. Motion for Summary Judgment is hereby denied.

DATED this 6 day of November, 1992.

s/ JOSEPH T. BONAVENTURE
DISTRICT JUDGE

Submitted by:

LIONEL SAWYER & COLLINS

By: s/ Todd Touton
TODD TOUTON, ESQ.
Nevada Bar #1744
300 South Fourth St., #1700
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I, Sylvia Weber, secretary to Richard D. Young, do hereby certify that on this 3rd day of May, 1994, I forwarded a true and correct copy of the foregoing SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEVADA, by first class mail, postage prepaid, upon:

Morris, Brignone & Pickering
300 S. Fourth Street, #1203
Las Vegas, Nevada 89101
Attorneys for Trustees

Clerk of Nevada Supreme Court
Capitol Complex
201 S. Carson Street
Carson City, Nevada 89710

Honorable Joseph T. Bonaventure
District Judge
Box 551601
Las Vegas, Nevada 89155-1601

Sylvia Weber
Sylvia Weber, Secretary